

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The Petition for a Writ of Habeas Corpus is GRANTED, with respect to Petitioner's Confrontation Clause claim; within (60) days of this Order, the Commonwealth shall retry Petitioner or release him from all custody;
3. The portions of Claims Four, Eleven and Twelve which concern ineffective assistance of state collateral counsel or procedural errors during state collateral proceedings are DISMISSED;

4. Petitioner's Sufficiency of Evidence claim is DENIED;
5. Claims Two and Three, the Cognizable Portions of Claim Four, Claims Five through Ten, the Cognizable Portions of Twelve and Claim Thirteen are DEFERRED, inasmuch as the writ is being granted on other grounds; and
6. Petitioner has demonstrated that reasonable jurists might disagree about this court's resolution of his Sufficiency of Evidence claim, hence a certificate of appealability is GRANTED with respect to this claim.

BY THE COURT:

s/J. Curtis Joyner  
J. CURTIS JOYNER, J.